

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) No. 10 CR 155-1
) Judge William J. Hibbler
GONZALO GARCIA-AVILA)

DEFENDANT'S PROPOSED *VOIR DIRE* QUESTIONS

Defendant Gonzalo Garcia-Avila, through his counsel, Francis C. Lipuma, herein submits to this Honorable Court his proposed *voir dire* questions. In addition to the inquiries the Court will present, the defendant respectfully proposes the following inquiries to the jury panel:

1. The defendant is charged with violations of federal law relating to drugs. Is there anything about the nature of the charges that might affect your ability to be fair and impartial?
2. Do you have strong feelings about drugs, and specifically methamphetamine, in our society? If so, please explain your feelings.
3. Can you put aside your feelings about drugs and render a verdict solely based on the evidence presented in this courtroom?
4. The defendant was born in, is a citizen of, and lives with his family in Mexico. Would his Mexican heritage and citizenship cause you to be unfair to him in any way in your judgment of the facts in this case?
5. The defendant is not a citizen of the United States. Would his status as a non-citizen of the United States cause you to be unfair to him in any way in your judgment of the facts in this case?
6. Does the fact that the United States government has brought the charges involved in this case cause you to believe that they are probably justified?

7. Do you believe that because a person has been indicted for a criminal offense he must have done something illegal or he would not have been charged?

8. Are you or is a member of your family or a close friend involved in law enforcement as an officer, agent or prosecutor? If you answered "yes" please state:

- a. The individual's relationship to you;
- b. The office or agency that employs him or her;
- c. The types of crimes he or she investigates;
- d. Have you and this person discussed law enforcement matters?

9. Have you or has a member of your family or a close friend ever been a victim of a crime?

If you answered "yes" please state:

- a. The victim's relationship to you;
- b. The nature of the offense;
- c. Whether charges were brought against the offender;
- d. The disposition of the charges;
- e. Has that experience left you with any strong feelings about people who are charged with crimes, the criminal justice system, law enforcement officials or attorneys?

10. Have you or has a family member or a close friend ever been a witness to a crime? If you answered "yes" please state:

- a. The witness's relationship to you;
- b. The nature of the offense;
- c. Whether the witness testified in court;

d. Has that experience left you with any strong feelings about people who are charged with crimes, the criminal justice system, law enforcement officials or attorneys?

11. Have you ever served on a jury before? If so, was it a criminal or a civil case? Did the jury deliberate and reach a verdict?

12. Have you ever served on a grand jury before? If so, please describe where and when you served as a grand juror. Would the fact that you served on a grand jury before cause you to believe that the charges in this case are somehow justified?

13. Are you more likely to believe or give greater weight to the testimony of a law enforcement officer or a federal agent, such as an DEA agent?

14. The defendant is presumed to be innocent of the charges against him. Do you understand and will you follow the legal principle regarding the presumption of innocence?

15. The government carries the burden of proving guilt beyond a reasonable doubt. The burden never shifts to the defendant, and the defendant is not required to offer any evidence in his defense. Do you understand and will you follow the legal principle that the government has the burden of proving a defendant's guilt beyond a reasonable doubt?

16. Do you understand and will you follow the legal principle that a defendant has an absolute and constitutional right not to testify and the fact that a defendant declines to testify cannot be held against him?

17. If you conclude that the government failed to carry its burden of proof, would anything stop you from returning a verdict of not guilty?

Respectfully submitted,

s/ Francis C. Lipuma
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Gonzalo Garcia-Avila

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CERTIFICATE OF SERVICE

I, Francis C. Lipuma, an attorney, do hereby certify that I caused a copy of "Defendant's Proposed Voir Dire Questions" to be served upon:

Christopher R. McFadden
Renato Mariotti
U.S. Attorney's Office
219 South Dearborn Street
Chicago, IL 60604

pursuant to Fed.R.Crim.P. 49, Fed.R.Civ.P. 5, L.R. 5.5, and the General Order on Electronic Case Filing of the United States District Court for the Northern District of Illinois, Eastern Division.

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